

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 MARIO BERNARDO RODRIGUEZ,

15 Defendant.

CASE NO. 15CR2890-LAB

**ORDER DENYING TRANSCRIPT
REQUEST**

16 The Court has received a successive application from inmate Mario Rodriguez
17 requesting the preparation and production of a sentencing transcript of his May 16, 2016
18 sentencing hearing. The Court earlier denied the same request via a Discrepancy Order
19 because Mr. Rodriguez's case has long been closed. The request is again **DENIED** – this
20 time in a reasoned Order that explains why the inmate has no right or entitlement to a
21 transcript.

22 Mr. Rodriguez pled guilty to importing 19.85 kilos of methamphetamine into the United
23 States. His plea agreement included a waiver of appeal provision specifying that he waived
24 the right to appeal or to collaterally attack his conviction, with the exception of raising a claim
25 of ineffective assistance of counsel, provided the Court imposed a sentence of no more than
26 71 months in custody. The Court sentenced Mr. Rodriguez to 68 months.

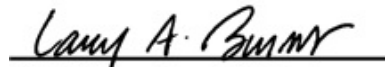
27 In his renewed application, Mr. Rodriguez argues that production of a copy of the
28 transcript of his sentencing hearing is necessary so that he can ascertain whether his

1 sentence was procedurally and substantively reasonable. But that arrow has already left the
2 bow. Mr. Rodriguez's sentence is now final, owing both to the passage of time and to his
3 voluntary waiver of the right to appeal or to otherwise challenge his sentence. Because he
4 has voluntarily waived his rights, preparing a transcript of his sentencing hearing at this late
5 date would amount to an unjustified expenditure of public resources.

6 Mr. Rodriguez's request for production of a transcript of his sentencing hearing is
7 **DENIED**, and the Clerk is ordered to reject any further request from him seeking the same
8 thing.

9 **IT IS SO ORDERED.**

10 DATED: April 18, 2018

11 

12 **HONORABLE LARRY ALAN BURNS**
13 United States District Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28